

CONGRESSIONAL RECORD SUMMARY

Tuesday, March 19, 2002

SENATE

Measures Introduced:

S. 2029. A bill to convert the temporary judgeship for the eastern district of Virginia to a permanent judgeship, and for other purposes; to the Committee on the Judiciary.

"...The temporary judgeship in the Eastern District of Virginia is set to expire with the first vacancy occurring after April 8, 2002. [] The Judicial Conference of the United States recommends that a district have a newly authorized judgeship when the weighted filings per judge exceed 430 cases. In 2001, the weighted caseload per judge on the Eastern District was 617. If Virginia's temporary judgeship expires, the per judge weighted caseload would sky-rocket to 679 cases per judge..."

Warner

Page S 2076, S 2077-78

S. 2031. A bill to restore Federal remedies for infringements of intellectual property by States, and for other purposes; to the Committee on the Judiciary.

"...I believe that there is an urgent need for Congress to respond to the Florida Prepaid decisions, for two reasons. First, the decisions opened up a huge loophole in our Federal intellectual property laws. If we truly believe in fairness, we cannot tolerate a situation in which some participants in the intellectual property system get legal protection but need not adhere to the law themselves. [] The second reason why Congress should respond to the Florida Prepaid decisions is that they raise broader concerns about the roles of Congress and the Court. Over the past decade, in a series of five-to-four decisions that might be called examples of "judicial activism," the current Supreme Court majority has overturned Federal legislation with a frequency unprecedented in American constitutional history..."

Leahy

Page S 2076, S 2078-80

S. 2032. A bill to amend the Employee Retirement Income Security Act of 1974 to provide for improved disclosure, diversification, account access, and accountability under individual account plans; to the Committee on Health, Education, Labor, and Pensions.

Durbin

Page S 2076

H.R. 2356 - Campaign Finance Reform:

Senate began consideration of H.R. 2356, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

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A unanimous-consent agreement was reached providing for further consideration of the bill at 10 a.m., on Wednesday, March 20, 2002, with a vote on the motion to close further debate on the bill to occur at approximately 1 p.m. Further, that if cloture is invoked, there be an additional 3 hours of debate, equally divided, followed by a vote on passage of the bill; and if cloture is not invoked, this agreement is vitiated.

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A further unanimous-consent agreement was reached providing for consideration of a Senate Resolution, the text of which is at the desk, and that the resolution be agreed to.

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S. 517 - Energy Policy Act:

Senate resumed consideration of S. 517, to authorize funding for the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, taking action on the following amendments proposed thereto:

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"...We want to treat all judicial nominees fairly and give them appropriate consideration. Circuit court nominees have not been treated fairly by the Democrats who are running the Judiciary Committee today. They have not been treated fairly. [] There is a tradition in the Senate--maybe I should educate my colleagues--there is a tradition in the Senate that we give Presidents their nominations by and large. If there is a problem with the nomination, fine, let's hold it, discuss it and debate it, but, by and large, Presidents have the majority of their nominations through the Judiciary Committee and through the Senate in their first 2 or 3 years as President. [] I ask unanimous consent that short biographies of the eight nominees who were nominated on May 9 for the circuit court of appeals be printed in the Record..."
(Nickles, *Pages S 2041-3*) **(Biographies - see pages S 2042-3)**

Adopted:

Reid (for Bingaman) Amendment No. 3039 (to Amendment No. 2917), making a technical correction.

Pages S 2018, S 2069, D 254

Pending:

Daschle/Bingaman Further Modified Amendment No. 2917, in the nature of a substitute.

Pages S 2018-69, D 254

Dayton/Grassley Amendment No. 3008 (to Amendment No. 2917), to require that Federal agencies use ethanol-blended gasoline and biodiesel-blended diesel fuel in areas in which ethanol-blended gasoline and biodiesel-blended diesel fuel are available.

Pages S 2018, D 254

Bingaman Amendment No. 3016 (to Amendment No. 2917), to clarify the provisions relating to the Renewable Portfolio Standard.

Pages S 2018, S 2038, D 254

Lott Amendment No. 3028 (to Amendment No. 2917), to provide for the fair treatment of Presidential judicial nominees.

Pages S 2018-38, D 254

Lott Amendment No. 3033 (to Amendment No. 2989), to provide for the fair treatment of Presidential judicial nominees.

Pages S 2027-28, S 2034, D 254

"...I have made the point here--and Senator Gramm was making the point very strongly--that this first-degree amendment clearly needs additional work, additional consideration. The committees of jurisdiction should have an opportunity to work on it. I had hoped that some accommodation could be worked out. I am still hopeful of that. But I do not think we are ready to go forward at this time. Having said that, I also think it is very important the Senate take a position with regard to judicial nominations. This second-degree amendment is the resolution that was offered last week. There has been no indication of how we would proceed on that. All it would say is the first nine circuit judge nominations that were offered last May--May of 2001--would have a hearing--just a hearing--by May 9, 2002. This issue is very important to our country, and it needs to be considered in the order in which it was pending before we came back to the Feinstein amendment..." (Lott, *pages S 2027-8*)

Executive Communications:

EC-5817. A communication from the Office of the Special Counsel, transmitting, pursuant to law, the Counsel's Annual Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC-5821. A communication from the Administrator of the General Service Administration, transmitting, pursuant to law, a report concerning new mileage reimbursement rates for Federal employees who use privately owned vehicles while on official travel; to the Committee on Governmental Affairs.

Page S 2075

Committee Meetings:

_____ **Committee on Banking, Housing, and Urban Affairs:** Committee resumed oversight hearings to examine accounting and investor protection issues raised by the fall of the Enron Corporation and by other public companies, focusing on oversight and regulation of the accounting profession, corporate governance, and stock analyst conflicts of interests.

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_____ **Committee on Governmental Affairs:** Subcommittee on International Security, Proliferation and Federal Services continued hearings to examine proposed legislation to give federal agencies new management tools to handle recruitment and retention of skilled federal employees, in order to avoid a human capital crisis which may be brought by large-scale retirements expected in the near future, including **S. 1603**, *to provide for reform relating to Federal employment*, and **S. 1612**, *to provide Federal managers with tools and flexibility in areas such as personnel, budgeting, property management and disposal*.

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_____ **Committee on the Judiciary:** *Committee concluded hearings on the nominations of Terrence L. O'Brian, of Wyoming, to be United States Circuit Judge for the Tenth Circuit, Lance M. Africk, to be United States District Judge for the Eastern District of Louisiana, Paul G. Cassell, to be United States District Judge for the District of Utah, and Legrome D. Davis, to be United States District Judge for the Eastern District of Pennsylvania.*

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Committee Meetings for Wednesday, March 20, 2002:

_____ **Committee on Appropriations:** @ 1:30 p.m. Subcommittee on Treasury and General Government, to hold hearings on proposed budget estimates for fiscal year 2003 for the Office of Management and Budget. SD-192.

_____ **Committee on Banking, Housing, and Urban Affairs:** @ 10:00 a.m. To continue oversight hearings to examine accounting and investor protection issues raised by the fall of the Enron Corporation and by other public companies. SD-538.

Committee on the Budget: @ 10:00 a.m. *Business meeting to mark up a proposed concurrent resolution setting forth the fiscal year 2003 budget for the Federal Government. SD-608.*

Committee on Commerce, Science, and Transportation: @ 9:30 am. To hold hearings to examine **H.R. 1542**, to deregulate the Internet and high speed data services. SR-253.

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Committee Meetings for Wednesday, March 20, 2002 (Cont'd):

Committee on Health, Education, Labor, and Pensions: @ 10:00 a.m. *Business meeting to mark up S. 1992, to amend the Employee Retirement Income Security Act of 1974 to improve diversification of plan assets for participants in individual account plans, to improve disclosure, account access, and accountability under individual account plans; and S. 1335, to support business incubation in academic*

settings. SD-430.

Committee on the Judiciary: @ 10:00 a.m. Subcommittee on Technology, Terrorism, and Government Information, to hold hearings to examine identity theft and information protection. SD-226.

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HOUSE

Bills Introduced:

H.R. 4001. A bill to amend the Internal Revenue Code of 1986 to decrease the floor for the deduction for medical care to two percent of adjusted gross income; to the Committee on Ways and Means.

Crane

Page H 1002

H.R. 4002. A bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs; to the Committee on Ways and Means.

Davis

Page H 1002

H.R. 4006. *A bill to designate the United States courthouse located at 100 Federal Plaza in Central Islip, New York, as the "Alfonse M. D'Amato United States Courthouse;" to the Committee on Transportation and Infrastructure.*

King

Page H 1002

H.R. 4008. A bill to *amend the Family and Medical Leave Act of 1993 and title 5, United States Code*, to allow leave for individuals who provide living organ donations; to the Committee on Education and the Workforce, and in addition to the Committees on Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Thurman

Page H 1002

Reports Filed:

Reports were filed today as follows:

H. Res. 372, providing for consideration of **H. Con. Res. 353**, establishing the congressional budget for the United States Government for fiscal year 2003 and setting forth appropriate budgetary levels for each of fiscal years 2004 through 2007 (House Report 107-380); and

H. Res. 373, providing for consideration of **H.R. 3924**, to authorize telecommuting for Federal contractors (House Report 107-381).

Pages H 1002, D 257

Suspensions:

The House agreed to suspend the rules and pass the following measures:

Gila River Indian Community Lease Act: H.R. 3985, *to amend the Act entitled "An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases," approved August 9, 1955, to provide for binding arbitration clauses in leases and contracts related to reservation lands of the Gila River Indian Community;*

Pages H 945-6, D 257

"... Many of the community's commercial contracts provide for arbitration of disputes. They further provide that the agreement to arbitrate and any arbitration decision may be enforced in either tribal or Federal court. Unfortunately, tenants and their lenders remain uncomfortable with the tribal court for a variety of reasons, and Federal courts would lack jurisdiction over contract disputes between private business entities and Indian tribes..." (Hayworth, page H 945)

James R. Browning United States Courthouse, San Francisco, California: H.R. 2804, to designate the United States courthouse located at 95 Seventh Street in San Francisco, California, as the "James R. Browning United States Courthouse" (agreed to by a yea-and-nay vote of 403 yeas to 1 nay, Roll No. 68).

Pages H 965-7, H 974, D 258

Committee Meetings:

Committee on the Judiciary, Subcommittee on Immigration and Claims held an oversight hearing on *"The INS March 2002 Notification of Approval of Change of Status for Pilot Training for Terrorist Hijackers Mohammed Atta and Marwan Al-Shehhi."*

Committee on Rules: Granted, by voice vote, an open rule providing one hour of general debate on **H.R. 3924**, Freedom to Telecommute Act of 2002, equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform. The rule allows the chairman of the Committee of the Whole to accord priority in recognition to those members who have pre-printed their amendments in the Congressional Record. Finally, the rule provides one motion to recommit with or without instructions.

Committee on Rules: Granted, by voice vote, a closed rule on **H. Con. Res. 353**, establishing the congressional budget for the United States Government for fiscal year 2003 and setting forth appropriate budgetary levels for each of fiscal years 2004 through 2007, providing three hours of general debate, with two hours confined to the congressional budget equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget, and one hour on the subject of economic goals and policies equally divided and controlled by Representative Saxton of New Jersey and Representative Stark of California or their designees.

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Committee Meetings For Wednesday, March 20, 2002:

Committee on Appropriations, @ 10:00 a.m. Subcommittee on Commerce, Justice, State and Judiciary, on DEA. H-309 Capitol.

Committee on Education and the Workforce, @ 10:30 a.m. To mark up the following bills: **H.R. 3762, Pension Security Act of 2002; H.R. 3839**, Keeping Children and Families Safe Act of 2002; and **H.R. 3801**, to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination. 2175 Rayburn.

Committee on Energy and Commerce, @ 10:00 a.m. Subcommittee on Health, hearing entitled “Medicare Modernization: Examining the Federal Employees Health Benefit Program as a Model for Seniors.” 2322 Rayburn.

Committee on Financial Services, @ 10:00 a.m. To continue hearings on H.R. 3763, Corporate and Auditing Accountability, Responsibility, and Transparency Act of 2002. 2128 Rayburn.

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Committee on the Judiciary, @ 10:30 a.m. To mark up the following bills: H.R. 476, Child Custody Protection Act; and H.R. 3925, Digital Tech Corps Act of 2002. 2141 Rayburn.

Committee on the Judiciary, @ 10:30 a.m. Subcommittee on Courts, the Internet, and Intellectual Property, to mark up H.R. 3892, Judicial Improvements Act of 2002, immediately following full Committee markup. 2141 Rayburn.

Committee on Transportation and Infrastructure, @ 11:00 a.m. To consider the following measures: H.R. 3983, Maritime Transportation Antiterrorism Act of 2002; H.R. 2672, to designate the United States courthouse to be constructed at 8th Avenue and Mill Street in Eugene, Oregon as the “Wayne Lyman Morse United States Courthouse.” 2167 Rayburn.

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Remarks:

The Budget.

“...By the next election, this fall, a majority of Americans will be dependent on Federal Government for their health, their education, their income, or their retirement benefits. Some suggest that as many as 60 percent of households receive more than \$10,000 a year from government in the form of retirement, health care, welfare or other benefits. [] Government benefits, once concentrated on the needy, now extend into the middle and upper-middle class households, even as more and more Americans see their income tax liabilities decrease. [] Fifty percent of Americans now pay less than 4 percent of the total individual income taxes, while the top 5 percent pay nearly 55 percent of the individual income taxes. At the same time, the folks who are paying the least for government are receiving the most benefits. Americans who receive nearly half of the Federal Government benefits pay only, listen to this, Mr. Speaker, pay only 1 percent of the individual income taxes...”

Smith

Pages H 940-1

President’s Budget Proposes To Use Social Security Trust Fund.

Pallone

Page H 941

Remarks (Cont’d.):

2003 Budget Resolution And National Security. (Immigration Policy Discussed)

Tancredo

Pages H 985-90

James R. Browning U.S. Court Of Appeals Building.

*“...During his time as Chief Judge, Judge Browning was an influential member of the **Judicial Conference of the United States** and an active participant in resolving major problems facing the federal judiciary. He has an impressive record of achievement in the Ninth Circuit. Despite calls to reduce the size of the Court, Judge Browning implemented reforms to increase the efficiency of the Court by increasing the number of judges in the Circuit, reducing the enormous backlog of pending case work, and halving the time needed to*

decide appeals..."

Lantos

Page E 377

The Medical Cost Deduction Act Of 2002. (H.R. 4001)

"... By lowering the deduction for medical expenses to 2 percent of AGI [Adjusted Gross Income] seniors may be able to better afford necessary medications and individuals may be better able to afford increased health care premiums..."

Crane

Page E 379

Introduction Of The Long-Term Care Support And Incentive Act. (H.R. 4002)

"... Long-term care insurance can help fill this gap, but premiums can be expensive. My legislation will make long-term care insurance more affordable by allowing individuals over 65 to deduct 75 percent of the cost of their premiums and individuals under 65 to deduct 50 percent of the cost of their premiums..."

Davis

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Class Action Fairness Act Of 2002.

Blumenauer

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Next SENATE MEETING: Wednesday, 10:00 a.m., March 20, 2002.

Next HOUSE MEETING: Wednesday, 10:00 a.m., March 20, 2002.

OLA: S. Schwarz, A. Santos